

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

BOIVAE FLEMING,

Case No. 2:20-cv-01983-RFB-EJY

Petitioner,

v.

**ORDER**

WARDEN HUTCHISON, et al.,

Respondents.

Petitioner Boivae Fleming, a Nevada state prisoner proceeding *pro se*, has filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Currently before the Court is Fleming's Application to Proceed *In Forma Pauperis* (ECF No. 4).

Under 28 U.S.C. § 1914(a) and the Judicial Conference Schedule of Fees, a \$5.00 filing fee is required to initiate a habeas action in a federal district court. The court may authorize an indigent prisoner to begin a habeas action without paying the \$5 fee if the he or she submits an IFP application on the approved form along with the appropriate supporting documentation. 28 U.S.C. § 1915(a); LSR 1-1, LSR 1-2.

Although Fleming submitted the required form, the supporting documents show he is able to pay the \$5 filing fee. Thus, Fleming does not qualify for a fee waiver. The Court therefore denies the IFP application and gives Fleming 45 days to pay the filing fee.

**IT THEREFORE IS ORDERED:**

1. Petitioner Boivae Fleming's Application to Proceed *In Forma Pauperis* (ECF No. 4) is DENIED.
2. Fleming must pay the \$5.00 filing fee **within 45 days of the date of this order**.
3. The Clerk of Court is instructed to send Fleming *two* copies of this order. Fleming must make the necessary arrangements to have a copy of this order attached to the check for the filing fee.
4. The initial screening of Fleming's petition for writ of habeas corpus under the Rules

DATED this 19<sup>th</sup> day of November, 2020.

  
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RICHARD F. BOULWARE, II  
UNITED STATES DISTRICT JUDGE